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PATENT
NON-FINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Kazuhisa MATSUDA ✓

Serial Number: 09/489,473 ✓

Group Art Unit: 1771 ✓

Filed: January 21, 2000 ✓

Examiner: C. C. Pratt ✓

For: SUTURABLE ADHESION-PREVENTING MEMBRANE

RESPONSE UNDER 37 C.F.R. § 1.111
TO THE FIRST OFFICE ACTION DATED DECEMBER 17, 2001

Assistant Commissioner
for Patents
Washington, D.C. 20231

RECEIVED

March 18, 2002

MAR 19 2002

17/00

Sir:

This paper is submitted in response to the Office Action dated December 17, 2001.

Reconsideration of the 35 U.S.C. § 103(a) rejection of claims 1-33 as being unpatentable over Light et al. (U.S. Patent No. 5,514,181) ("Light") is respectfully requested.

The present invention is a suturable adhesion-preventing membrane for repairing, augmenting or replacing parts of tissues

and organs such as an abdominal wall, pleura, pericardium, cerebral dura mater and chorion. The membrane comprises at least one non-woven fabric layer made of collagen fibers, or having at least one non-woven fabric made of collagen fibers and at least one sponge layer made of collagen, and a coating layer of gelatin or hyaluronic acid on at least one of the surfaces of the membrane. The coating layer of gelatin or hyaluronic acid of the membrane of the present invention prevents adhesion of tissues or organs with surrounding portions of the living body.

Light provides an axially elongated bioabsorbable prosthesis for use in surgical repair of a damaged ligament or tendon. The prosthesis is in the form of a multilayered spiral roll comprising a foraminous layer of a synthetic bioabsorbable material, a bioabsorbable film and a layer of a bioabsorbable sponge. The foraminous layer of the prosthesis disclosed in Light can be a woven, non-woven or knitted mesh. In the bioabsorbable prosthesis of Light, the bioabsorbable sponge cannot prevent adhesion of tissues or organs with surrounding portions of the living body

because the sponge is not exposed, i.e., it does function as a coating for the axially elongated bioabsorbable prosthesis.

Collagen is not disclosed for use as the material of the foraminous layer of the absorbable prosthesis of Light. The Office, however, argues that it would have been obvious for one having ordinary skill in the art to use collagen fibers to form the foraminous layer in view of the description in Col. 4, lines 64-65, that the compositions of the foraminous layer and the bioabsorbable film can be the same.

The proposed modification of the absorbable prosthesis of Light to use collagen fibers for the foraminous (non-woven) layer is improper. The foraminous layer of the absorbable prosthesis of Light is required to be a synthetic bioabsorbable material. Use of collagen fibers for the foraminous layer will destroy the invention on which the Light patent is based and is improper. The teaching in light that the compositions of the foraminous layer and the bioabsorbable film can be the same can mean only that these layers can both be a synthetic bioabsorbable material.

For this reason alone, the rejection under 35 U.S.C. § 103(a) of claims 1-33 over Light is improper and should be removed. However, it is also noted that Light nowhere suggests a membrane structure where each surface of the membrane is coated with a layer containing gelatin or hyaluronic acid as recited in independent claims 15, 16, 32 and 33 of this application.

Removal of the 35 U.S.C. § 103(a) rejection and issuance of a notice of allowability of claims 1-33 are believed to be in order and are respectfully solicited.

The foregoing is believed to be a complete and proper response to the Office Action dated December 17, 2001, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

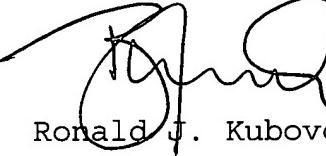
In the event that this paper is not considered to be timely filed, applicant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

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In the event any additional fees are required, please also charge our Deposit Account No. 111833.

Respectfully submitted,
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